



The East Punjab Factories (Control of Dismantling) Act, 1948

Act 20 of 1948

Keyword(s):

To Dismantle, Factory, Machinery

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

THE EAST PUNJAB FACTORIES (CONTROL OF DISMANTLING) ACT, 1948

TABLE OF CONTENTS.

Sections.

1. Short title, extent and commencement.
2. Definitions.
3. Dismantling a factory.
4. Offences by corporations.
5. Powers of entry, examination, taking evidence, etc.
6. Cognizance of offences.
7. Bar of legal proceedings.
8. Power to make rules.

'THE EAST PUNJAB FACTORIES (CONTROL OF DISMANTLING) ACT, 1948.

EAST PUNJAB ACT No. 20 OF 1948.

[Received the assent of His Excellency the Governor on the 10th April, 1948 ; and was first published in the East Punjab Government Gazette (Extraordinary) of April 10, 1948]

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1948	20	The East Punjab Factories (Control of Dismantling) Act, 1948.	Amended in part by the Adaptation of Laws Order, 1950 Extended to the territories which immediately before the 1st November, 1956 were comprised in the State of Patiala and East Punjab State Union by Punjab Act 23 of 1957. ² Amended by Adaptation of Laws Order, 1968 ³

An Act to control the dismantling of factories.

It is hereby enacted as follows :—

1. (1) This Act may be called the East Punjab Factories (Control of Dismantling) Act, 1948.

(2) It extends to the whole of the ⁴[State] of ⁵[Haryana].

(3) It shall come into force at once ⁶[in the principal territories and on the 24th July, 1957, in the transferred territories].

Short title, extent and commencement.

1. For Statement of Objects and Reasons, see *East Punjab Government Gazette (Extraordinary)*, 1948, page 174 ; for proceedings in Assembly, see *East Punjab Legislative Assembly Debates*, Volume II, 1948, pages 957-60.

2. For Statement of Objects and Reasons, see *Punjab Government Gazette (Extra)*, 1957, page 689.

3. See *Haryana Government Gazette*, 1968, pages 531-567.

4. Substituted for the word "Province" by the Adaptation of Laws Order, 1950.

5. Substituted for the word "Punjab" by the Adaptation of Laws Order, 1968.

6. Adjudged by the Haryana Adaptation of Laws Order, 1968.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

- (a) “to dismantle” a factory means to remove from its position the machinery or part of the machinery of the factory, whereby such removal the factory is rendered wholly or partly useless for its purpose; but does not include any temporary removal within the premises of the factory of the machinery or part of the machinery for purposes such as adjustment, cleaning and repairs ;
- (b) “factory” means a factory as defined in clause (j) of section 2 of the ¹Factories Act, 1934 (25 of 1934), but includes also any premises which were at any time, after the 14th day of August, 1947, a factory as so defined ;
- (c) “machinery” has the meaning assigned to that word in clause (k) of section 2 of the ¹ Factories Act, 1934 (25 of 1934).

Dismantling a factory.

3. (1) No person shall, without the written permission of the ²[State] Government or of an officer authorized in this behalf by the ²[State] Government, dismantle any factory or remove from a factory any spare parts kept for maintaining the machinery of the factory in order.

(2) Whoever contravenes any of the provisions of sub-section (1) shall be punished with imprisonment which may extend to two years or with fine or with both.

Offences by corporations.

4. If the person contravening any of the provisions of sub-section (1) of section 3 is a company or other corporate body, every director, manager or secretary or other officer or agent thereof, shall unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention be deemed to be guilty of such contravention.

Power of entry, examination, taking evidence, etc.

5. (1) Subject to any rules made by the ²[State] Government, any officer authorized in this behalf by that Government may, if he has reason to believe that any person has contravened any of the provisions of sub- section (1) of section 3 within the local limits for which he is so authorized,—

1. See now the Factories Act, 1948 (Act 63 of 1948).

2. Substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

- (a) enter with such assistants (if any), being persons in the service of the [State] Government as he thinks fit, any place;
- (b) make such examination of the place and of any machinery, books or documents therein and take on the spot or elsewhere such evidence of any persons as he may deem necessary for carrying out the purposes of this Act; and
- (c) exercise such other powers as may be necessary for carrying out the purposes of this Act:

Provided that no one shall be required under this section to answer any question or give any evidence tending to incriminate himself.

(2) Whoever willfully obstructs an officer authorized under sub-section (1) in the exercise of any power conferred by that sub-section or fails to produce on demand any book or document in his custody or to comply with any demand for information or knowingly or recklessly makes to such officer a statement false in a material particular shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

6. No prosecution for any offence under this Act shall be instituted except by or with the previous sanction of the [State] Government or the officer authorized by the [State] Government for the purposes of sub-section (1) of section 3.

7. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done, under this Act.

8. (1) The [State] Government may make rules² for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide—

- (a) the procedure for the grant of the permission referred to in sub-section (1) of section 3;

Cognizance
of offences.

Bar of legal
proceedings.

Power to make
rules.

1. Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

2. For rules, see East Punjab Government Notification No. 7138-LP-50/5340, dated the 7th October, 1950, published in the East Punjab Government Gazette, 1950, Part 1, pages 1007-08.

- (b) for an appeal against a refusal to grant the permission referred to in sub-section (1) of section 3 when such refusal is by an officer authorized in pursuance of that section ; and
- (c) for regulating the manner in which officers authorized under sub-section (1) of section 5 shall exercise their powers.